UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NO.: 2:17-cv-03247

JAYCEON TERRELL TAYLOR,

Plaintiff,

vs.

VIACOM, INC., VIACOM INTERNATIONAL, INC., and NEW POP CULTURE PRODUCTIONS, INC.

Defendant(s).
_____________________________________/

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, JAYCEON TERRELL TAYLOR (a/k/a THE GAME), by and through his undersigned counsel, hereby files this Complaint and Demand for Jury Trial against VIACOM, INC., VIACOM INTERNATIONAL, INC., (the "VIACOM DEFENDANTS"), and NEW POP CULTURE PRODUCTIONS, INC ("VH1"), collectively the ("DEFENDANTS") and states the following:

INTRODUCTION

1. This is a suit based upon Negligence, Negligent Misrepresentation, Negligent Infliction of Emotional Distress, and Breach of Fiduciary Duty. Plaintiff is seeking more than Twenty Million dollars ($20,000,000.00) in damages, including an award of punitive damages.

JURISDICTION, VENUE, AND PARTIES

2. Plaintiff, JAYCEON TERRELL TAYLOR ("TAYLOR" or Plainitff), is an adult male.

He is a citizen and resident of California. TAYLOR is an internationally-recognized music artist. He was also the star of the reality television series "*She's Got Game*" (the "Show"), which began airing on television on or around August 10, 2015.

3. Defendant, VIACOM, INC., is a global mass media corporation. On information and belief, VIACOM, INC., is the parent company of VIACOM INTERNATIONAL, INC., and NEW POP CULTURE PRODUCTIONS, INC. It is a Delaware corporation, and its principal place of business is in New York, New York.

4. Defendant, VIACOM INTERNATIONAL, INC., (a/k/a VH1 Networks) is one of the world's leading creators of programming and content across all media platforms. VIACOM INTERNATIONAL, INC., on information and belief, is a wholly owned subsidiary of VIACOM, INC. It is a Delaware corporation, and its principal place of business is in New York, New York.

5. Defendant, NEW POP CULTURE PRODUCTIONS, INC., is a production company. NEW POP CULTURE PRODUCTIONS, INC., on information and belief, is a wholly owned subsidiary of VIACOM, INC. It is a Delaware corporation, and its principal place of business is in New York, New York.

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332(a) because the amount in controversy of this suit exceeds $75,000.00, exclusive of interests and costs, and is between citizens of different states.

7. Venue is proper in this District pursuant to §1391, in that a substantial part of the events or omissions giving rise to these claims occurred in this District.

FACTUAL ALLEGATIONS

8. Sometime in late 2014, or early 2015, Plaintiff entered into an agreement with 51 Minds

Entertainment, LLC ("51 Minds"), where Plaintiff agreed to star on a reality television series, the Show. The Show was premised on having cameras follow Plaintiff on his various exploits across the country while he traveled with a caravan of beautiful women and "looked for love."

9. After this agreement between Plaintiff and 51 Minds, DEFENDANTS contracted with 51 Minds for the rights, *inter alia*, to own, display and distribute the Show.

10. The Show was intended to be, and ultimately was, televised on VH1, a television channel owned and operated by the VIACOM DEFENDANTS.

11. In or around February 2015, non-party, Priscilla Rainey ("Rainey") was cast by DEFENDANTS to appear on the Show. As a part of the casting, Rainey was required to submit an application, undergo a background check, and complete an interview.

12. Her participation on the Show was further contingent upon her "passing" a psychological examination, which was designed to determine whether potential contestants were suitable for participation on the Show.

13. The psychological examination was performed by a doctor.

14. On information and belief, DEFENDANTS contracted with Dr. Barry Goldstein ("Goldstein") to perform the psychological examinations of the Show's contestants, including Rainey.

15. On information and belief, Goldstein provided all of his findings, reports, and recommendations to DEFENDANTS, who then made a final determination as to whether a contestant was able to participate on the Show or not.

16. Initially, Goldstein recommended Rainey "for participation on [the] [S]how." However,

shortly after making this recommendation, Goldstein was presented with various court documents, including several arrests reports involving Rainey. These court documents and arrest reports were not in his possession during his initial recommendation.

17. The court documents and arrest reports revealed that Rainey had a long and violent criminal history, including multiple felony arrests for aggravated battery.

18. On or around August 3, 2005, Rainey was arrested and charged with nine counts of petit theft in Hillsborough County, Florida. She was arrested after it was alleged that she was stealing from her former employer.

19. On or around January 9, 2006, Rainey was arrested and charged with criminal mischief ($1,000.00 or more) in Hillsborough County, Florida. This was a third degree felony. Rainey was arrested after vandalizing a vehicle that she believed belonged to an ex-boyfriend of hers by "keying" the vehicle.

20. On or around March 10, 2011, Rainey was arrested in Palm Beach County, Florida, and charged with battery (domestic violence). Rainey was allegedly upset over her then boyfriend's involvement with another woman and violently attacked him. This charge was a misdemeanor.

21. On or around November 1, 2011, Rainey was again arrested in Palm Beach County, Florida. She was charged with aggravated battery for use of a deadly weapon (domestic violence), which was a felony. In addition to this charge, she was also charged with battery (domestic violence), battery, and criminal mischief (less than $1,000.00). These remaining charges were each misdemeanors.

22. Rainey was arrested after becoming so enraged at her then boyfriend that she proceeded

to wield a knife at him and used the knife to cut off some of his dreadlocks. Rainey also used a lamp stand as a battering device and broke down at least one door and destroyed her boyfriend's large flat screen television.

23. On or around January 3, 2014, Rainey was once again arrested in Palm Beach County, Florida. She was once again charged with aggravated battery, this time for causing bodily harm or disability (domestic violence), another felony. Jealousy played a critical role in this arrest as well.

24. Rainey apparently flew into a violent rage over her then boyfriend's alleged involvement with another woman. She ripped his shirt and began attacking him with her fist. Rainey then transitioned from her first to striking him with a large plastic juice bottle and several other objects that were around the kitchen. As her boyfriend attempted to call the police, Rainey struck him with an unknown object that resulted in a laceration that caused her boyfriend to bleed from his head.

25. After reviewing these arrests reports and the associated court documents, Goldstein added an addendum to his report on Rainey, which reflected new conclusions that were derived from reviewing the court documents and the arrest reports.

26. In the addendum, Goldstein noted that "in moments of jealousy, [Rainey's] normal composure dissolves, leaving her to acting out of control." He added that a "very conservative approach is called for" with Rainey. Goldstein then altered his previous conclusion and recommended that Rainey ***not*** be allowed to participate on the Show.

27. Goldstein's evaluation was then forwarded to DEFENDANTS for review.

28. Notwithstanding Goldstein's recommendation that Rainey should not be allowed to

participate on the Show, DEFENDANTS felt that she would add a spark to the Show and ignored Goldstein's recommendation and allowed her to participate.

29. On information and belief, DEFENDANTS had the final decision making authority to determine whether or not a contestant would be allowed to participate on the Show.

30. Specific factors DEFENDANTS considered when deciding if a contestant could participate or not were if a contestant failed the psychological examination, or if a contestant had a criminal past.

31. Rainey had both a criminal past and she did not pass the psychological examination.

32. DEFENDANTS clearly had knowledge of Rainey's violent and extensive arrest history, yet they chose ratings over protecting the Plaintiff and others.

33. In addition to having knowledge of Rainey's multiple arrests, DEFENDANTS knew, or should have known, that Rainey was Baker Acted in 2012.

34. The Baker Act is the common name of Florida's Mental Health Act of 1971. This act allows for the involuntary institutionalization, or commitment, and examination of an individual.

35. Rainey was Baker Acted after it was believed that she was a threat to herself and/or others sometime in 2012.

36. Being Baker Acted further exemplifies that Rainey was not fit to appear on the Show, and that she was a risk to the Plaintiff and others.

37. DEFENDANTS either knew and ignored, or failed to diligently investigate Rainey's background sufficiently enough to protect the Plaintiff despite having the present ability and a duty to discover this information and to protect Plaintiff.

38. Notwithstanding Rainey's extensive arrest history involving acts of violence, and her past

commitment due to concerns over her mental well-being, DEFENDANTS allowed Rainey to participate on the Show even though they knew that she was not recommended for participation on the Show and that a "very conservative approach" was called for with her.

39. DEFENDANTS failed to warn or to provide notice to Plaintiff of Rainey's "failed" psychological examination, or her lengthy history of violent acts towards others, particularly men.

40. DEFENDANTS owed Plaintiff a duty to select contestants to appear on the Show with reasonable care and diligence.

41. While on the Show, Rainey flashed signs of her violent behavior and jealousness early on.

42. Rainey was involved in several troublesome incidents on the Show. These included multiple acts of intimidation, verbal abuse, as well as instances of physical violence and threats.

43. On at least one occasion, Rainey threatened to cut off the hair of another contestant while she slept (apparently hair cutting is a common tactic of Rainey's, who as mentioned *supra* was once arrested for cutting off her boyfriend's hair, among other things).

44. Rainey's behavior led several of the other contestants to make complaints against her and ultimately caused the Show to take additional precautions including, but not limited to, adding additional security for Rainey and requiring her to reside in her own room, separate and segregated from the other contestants.

45. Eventually Rainey was "kicked off" or eliminated from the Show.

46. Getting kicked off humiliated and enraged Rainey. On August 5, 2015, Rainey filed a

malicious civil suit in the Northern District of Illinois to retaliate against the Plaintiff for being kicked off the Show. In her complaint, Rainey alleged that she was battered by Taylor during the filming of the Show at an off-camera outing.

47. Rainey's suit proceeded to trial and was eventually heard by a jury.

48. Taylor was unable to be present at the trial and did not testify because he had undergone an emergency dental procedure during *voir dire*. A continuance was requested, however it was denied by the court and the jury was never informed as to the reason for Taylor's absence.

49. On November 18, 2016, the jury shockingly and unfortunately entered a verdict in Rainey's favor in the amount of $7.1 million dollars.

50. The jury's verdict was against the clear weight of the evidence, which included among other things an eye-witness, whose testimony directly refuted Rainey's version of events, and video footage of Rainey three days after the alleged incident, massaging the Plaintiff's back, his feet and exposing her buttocks to him.

51. The jury ignored this evidence when it made its decision and issued the award to Rainey.

52. Taylor currently has an appeal pending in his suit with Rainey, but nonetheless has still been aggrieved and harmed by the announcement of the verdict.

COUNT I – NEGLIGENCE
(against all Defendants)

53. Plaintiff repeats and re-alleges the allegations set for in paragraphs 1 through 52 above.

54. DEFENDANTS owed a duty of reasonable care to Plaintiff to ensure that the contestants on the Show were fit and suitable for participation.

55. DEFENDANTS had direct and specific knowledge of Rainey's extensive criminal history and her propensity for violence and jealousness.

56. Notwithstanding this knowledge, and the recommendation of Goldstein that Rainey not be allowed to participate on the Show, the DEFENDANTS authorized her participation.

57. DEFENDANTS also knew, or should have known, of Rainey's previous Baker Act commitment for mental health issues.

58. DEFENDANTS breached their duty to Plaintiff by allowing Rainey to appear on the Show and failing to provide Plaintiff with any warning or notice.

59. But for, DEFENDANTS allowing Rainey to participate on the Show, the Plaintiff was harmed.

60. As a direct and proximate cause of DEFENDANTS allowing Rainey to participate on the Show, Plaintiff has suffered harm, including emotional and financial damages.

COUNT II – NEGLIGENT MISREPRESENTATION
(against all Defendants)

61. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 52 above.

62. DEFENDANTS represented to Taylor that all of the Show's contestants were fit and suitable for participation on the Show.

63. DEFENDANTS representations concerning Rainey were not true, and DEFENDANTS were aware of this.

64. DEFENDANTS never disclosed to Plaintiff that Rainey had "failed" her psychological examination. They also failed to disclose to Plaintiff that Rainey was not recommended for participation on the Show, but would be permitted to participate anyway.

65. Given the information DEFENDANTS, and only DEFENDANTS had, they had no reasonable basis for believing that their representations were true. In fact, DEFENDANTS knew that their representations were not true and that Rainey and her behavior would be an unpredictable wild card and risk during the filming of the Show.

66. On information and belief, DEFENDANTS hoped that Rainey's unpredictable and volatile behavior would arouse intrigue and generate interest in the Show amongst viewers and bolster ratings.

67. DEFENDANTS intended for Plaintiff to rely on their representations and Plaintiff did reasonably rely on their representations.

68. As a direct and proximate result of Rainey's participation on the Show and Plaintiff's reliance upon DEFENDANTS' representations, Plaintiff was harmed.

69. But for DEFENDANTS representations and actions, Plaintiff would never have been subjected to any damages.

70. Plaintiff relied upon DEFENDANTS' representations that all contestants were fit and suitable to appear on the Show, and this was a substantial factor in causing Plaintiff's harm.

COUNT III – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(against all Defendants)

71. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 52 above.

72. DEFENDANTS owed a duty of reasonable care to Plaintiff and were responsible for ensuring that the contestants on the Show underwent background checks, psychological evaluations and were fit and suitable to participate on the Show.

73. DEFENDANTS breached their duty to Plaintiff and were negligent in allowing Rainey to participate on the Show when they knew, or should have known, that she had an extensive arrest history and a propensity for violence and jealously.

74. DEFENDANTS also knew, or should have known, that Rainey was previously Baker Acted, or committed, because she posed a risk to herself and/or others.

75. DEFENDANTS and Plaintiff had a preexisting relationship.

76. Plaintiff had previously starred on another television show that was owned, displayed and

distributed by DEFENDANTS entitled "*Marrying the Game*."

77. Plaintiff was also set to star on the Show, which was eventually aired on a television network owned by DEFENDANTS.

78. DEFENDANTS' breach arose out of the preexisting relationship between DEFENDANTS and Plaintiff because Plaintiff relied upon, and trusted, the representations made by DEFENDANTS.

79. The aforementioned acts of the DEFENDANTS have caused the Plaintiff serious emotional distress.

80. As a direct and proximate result of the aforementioned acts and/or omissions on the part of DEFENDANTS, Plaintiff has suffered emotional suffering, mental anguish, and financial harm.

COUNT IV – BREACH OF FIDUCIARY DUTY
(against all Defendants)

81. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 52 above.

82. DEFENDANTS owed Plaintiff a duty to act with the utmost good faith and in the best interests of Plaintiff.

83. DEFENDANTS intended to benefit, and ultimately did benefit, from using the name, likeness, and reputation of Plaintiff on the Show, as Plaintiff's name, likeness and reputation generated viewership, ratings and monetary gain for DEFENDANTS.

84. DEFENDANTS served as Plaintiff's de facto agent or partner for the purposes of the Show.

85. DEFENDANTS acted on Plaintiff's behalf for the purposes of selecting contestants who were suitable and fit to participate on the Show.

86. DEFENDANTS conducted background checks and required each contestant to submit to

a psychological examination.

87. The purpose of the background checks and psychological examinations were to "screen" unqualified participants and those who were deemed to be high risk for causing problems.

88. Rainey was identified as a high-risk candidate.

89. Despite failing her psychological examination and having several "red flags" in her application, DEFENDANTS allowed Rainey to still participate on the Show.

90. DEFENDANTS failed to warn Plaintiff and never sought his informed consent for her participation.

91. DEFENDANTS also failed to act as a reasonably careful agent/partner would act under the same or similar circumstances.

92. Plaintiff was harmed by DEFENDANTS' breach of their fiduciary duty because DEFENDANTS failed to use reasonable care in selecting contestants to appear on the Show and they allowed a contestant who they knew to be high risk, and that was not suitable for participation to participate.

93. As a direct and proximate cause of DEFENDANTS' breach of duty, Plaintiff was harmed.

94. The conduct of DEFENDANTS was a substantial factor, if not the only factor, causing Plaintiff's harm.

WHEREFORE, Plaintiff, JAYCEON TERRELL TAYLOR, respectfully prays for judgment against defendants, VIACOM, INC., VIACOM INTERNATIONAL, INC., and NEW POP CULTURE PRODUCTIONS, INC., for compensatory damages, punitive damages, costs, including expert costs, attorney's fees, and such other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues so triable as a matter of right.

Dated: May 1, 2017

Respectfully submitted,

THE WILLIAMS LAW GROUP

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